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# Why We Draw

architects add value to residential and commercial projects  
by crafting contract documents

One of the greatest challenges I face, particularly with new clients, is explaining the need for contract documents. This is particularly true for people who have not yet worked through the design + bid + build process. They're familiar with the construction process because most people have had a chance to observe a local construction site yet they've not had a chance to observe the two phases that occur before the building phase: designing and bidding. These folks, understandably so, are hesitant to contract for design services when they're not familiar with the product or process.

In the design + bid + build process, one phase makes the next phase possible. The following comments illustrate the importance of the design phase and how a successful design phase will help protect you, the owner.

The contract documents are created in the design phase. They are the result of the collaboration between the owner and the design team, even if the design team is just one architect. We record all the decisions made during the design process in the contract documents.

To accomplish this task, your architect will work with you to

explore the significant number of decisions required to improve your property. This design process often starts with an exploratory meeting between you and your architect. From that point, your goal is to make and record enough decisions to communicate your project to a contractor responsible for making the improvements.

The contract documents govern a number of issues during the bidding and construction phases. The following four issues are typically key concerns for you, the owner. These issues are budget, quality, timing and enforcement.

## Budget

In the bidding phase, the general contractor compiles a bid for the cost to make the improvements described in the contract documents. In most cases, the general contractor will request bids from sub-contractors who will be responsible for various portions of the project. If you don't have a well-crafted set of contract documents that establish a common understanding of your expectations, the general and sub-contractors are

forced to make assumptions. As you would expect, this lack of information opens even the simplest detail to interpretation.

This room for interpretation also makes it virtually impossible to get an accurate bid. This forces the contractors into one of two situations. Most contractors will make a very conservative bid when they don't have enough information. They guess high to be sure they'll have enough money to cover unexpected costs that occur during construction. This means you get less improvement for your budget.

Other contractors may bid low and then charge you for each change you make during the construction process. If you're trying to figure everything out during the construction process, you'll be making lots of changes so this gets very expensive very quickly. Either method is disastrous because you don't know how much you're going to pay for the improvements until the contractor submits his or her final pay request.

## Contract Documents

In a typical project, an owner hires a general contractor to construct his or her project. This general contractor is just that: a person or entity *contracted* by the owner. So, a traditional contract (letter or legal size paper) is signed by the owner and the general contractor. This contract between the owner and the general contractor may *reference* other documents like drawings, specifications, cut sheets, etc. We call these items "contract documents" because once they're referenced by the contract between the owner and the general contractor, they're legally part of the contract.

Once the contract between the owner and general contractor is signed, the general contractor is responsible for delivering the project as described by the contract documents. So, as you increase the quality of your description (as you take time to make and document your decisions), you increase the general contractor's ability to deliver your project on time, within budget and per your vision for the project.... large or small.

By the way, drawings describe *quantity* and specifications describe *quality*. We craft the set of documents based on the complexity of the project. Though large complex projects will typically have a specification section to describe each type of assembly or material, smaller projects (like residential work) may have notes on the drawings to describe quality.

## Quality

In the construction industry, there are often many solutions to a design problem. Left to our own, we would each apply our unique set of standards and experience as we develop a solution for each design problem. This is also typically true of general contractors and sub-contractors. Since very few of these people are endowed with the ability to read your mind, you can't expect them to share your vision for your project..... particularly if they're also thinking about other projects.

Consider the significant number of decisions to be made during the course of a construction project. You make decisions like size, shape, color, texture, material, etc. as you define each product used in the completion of your project. Without a well developed set of contract documents, each of these decisions is left to the general or sub-contractor. As you might guess, this significantly reduces the odds that you'll end-up with what you had in mind.

## Timing

I've mentioned the significant number of decisions to be made during the design process. By this point, you've probably realized that if you don't make these decisions during the design phase, you have to make them during the construction phase.

The construction phase is not the time to be making major decisions. In almost every case, the addition of construction decisions to an every-day workload is more than most people can bear. It can lead to a great deal of emotional and financial stress. If you make your decisions in the design phase, you can always change your mind, explore various options and take as long as you need. This is clearly the preferred situation.

Once you enter the construction phase, time is money in a literal sense. The general and sub-contractors bear the expense of keeping tools and materials on-site. They also have window of opportunity to work on your project among the other projects they've

## Sub-Contractors

In the course of this article, I mention the number of sub-contractors required to deliver a successful project. To give you some frame of reference, the following is a list of typical sub-contractors.

Demolition	Electrical
Site Work (Grading)	Mechanical
Surveyor	Plumbing
Foundation Work	Finish Flooring
Concrete (Driveway, Walks, etc.)	Home Theater Automation
Masonry	Tile & Counters
Framing	Paint (Interior & Exterior)
Roofing	Landscaping Irrigation
Finish Carpentry	Gutters
Casework Millwork	Pool Water Features
Ornamental Metal	Security System
Drywall Installation & Finishing	Cleaning Crew

Though this is not a complete list, it should be enough to get you thinking about the responsibilities of each sub-contractor. If you start in the upper left-hand corner and think through each item on the list, you can get a sense for the flow of the work on your project. The sub-contractors arrive on-site in a particular order; each building on the work of the previous sub-contractor.

This should also give you some sense of the importance of the contract documents. If each sub-contractor is forced to draw his or her own conclusions about your project due to lack of information, the project goes further and further awry as the next sub-contractor arrives on-site to begin his or her work.

taken on. They make money by completing as many projects as possible during a given year. They literally can not afford to stop work to wait for your decisions.

## Enforcement

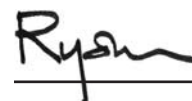
With the possible exception of your attorney, no one wants to endure litigation resulting from a construction dispute. A well crafted set of contract documents is the basis for communicating your expectations. Without a well crafted set of contract documents, each party can present his or her interpretation of a project. This leaves you, the owner, with little or no protection should a dispute arise.

For you, the owner, this is where the rubber meets the road.... so to speak. If you consider the number of sub-contractors required to build a successful project, there are bound to be some conflicts. Your ability to settle these conflicts during the construction phase is only as good as your set of contract documents. Again, this is why it's so important

to make and record your decisions in the design phase.

I know this is may be a bit confusing when you first consider these comments. There are many layers of detail to consider and it can be difficult to visualize the process if you've not been through it. I would be happy to answer any further questions you might have so you can find some level of comfort in your decisions.

Also, I apologize for the number of times "well crafted set of contract documents" appears in this article. If anything, I hope this conveys the importance of the issue. It's simply the best way to protect you, the owner.



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